DPD b'cests

Mr. Richard Huff, Co-Director
OIP
Department of Justice
Washington, D.C. 20530

2/15/85

Dear Mr. Huff,

As you must know, the last thing I want is additional FOIA litigation. As you also know, you are limiting my choices by your refusal to do what you are paid to do, act on appeals in a timely manner. I have written you repeatedly in recent months about old matters, to no end. You give me a Hobson's choice, between accepting your stonewalling or, as you've informed me I may, suing you.

My birthday is April 8. By that time you will have given me a present of doing what you are required to have done long before now or I'll give you a present of joining you (plural) in the suit I'll file. You have steadfastly refused to perform your assigned official duties, this has been hurtful to me, among others, and I think it is past time for these traditional abuses of the Act and of me to end. I'll try it.

I am selecting of the many available two matters and I am selecting them because of their age and other characteristics and because there just is no possible excuse for the stonewalling. One is my Nosenko requests and the other the Ballas police radio assassination broadcast recordings and related records. With regard to the latter there is no possibility of any significant problem in processing the existing records and I asked for them as soon as possible in order to be of help to you. You have not even responded. Duplicating the recording is a simple matter of turning it over to clerks because the FBI's transcription was published more than 20 years ago. With regard to Nosenko, one of my ignored requests is for what had already been disclosed, and even that is ignored to this day. I've sent you the FBI's 1978 letter reporting they were then allegedly working on it, meaning another request.

Given the age of these requests and appeals there can't be any significant number of older request and appeals other than my own, so there can't be any reasonable justification for all the stalling. So, I believe that giving all of you more than an additional month and a half for full and complete compliance is, under the Act and your collective representations to the courts more than fair.

By now there also is no reason for the FBI not to be well aware of what is within the public domain, so I do not anticipate being tolerant of harassing by unjustified and unjustifiable withholdings. Your own office has an index to what was disclosed by the House Select Committee on Assassinations and you both have the Warren Commission indices.

I may elect to include some other very old matters. I do intend to determine whether or not all of you, particularly in the light of representations to the courts, can get away with all this endless stonewalling and flagrant and deliberate violation of the Act. Please realize that it simply is not possible for me to include anything in any litigation that does not greatly exceed the claimed backlogs.

Sincerely,

Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21701